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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hong Jin *et al.*

Confirmation No.: 8169

Application No.: 09/724,388

Group Art Unit: 1648

Filed: November 28, 2000

Examiner: Lucas, Zachariah

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-051-999

TRANSMITTAL OF STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. BOX 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office communication mailed July 14, 2006, Applicants submit herewith a Statement Of The Substance Of The Interview.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

A telephonic interview in connection with the above-identified patent application was held on June 29, 2006 with Supervisory Patent Examiner Dr. Yvonne L. Eyler and Applicants' representatives Dr. Laura A. Coruzzi, Dr. Jacqueline Benn, Dr. Crystal Suri and Dr. Sebastian Martinek participating. Applicants and Applicants' representatives thank Supervisory Patent Examiner Dr. Yvonne L. Eyler for her courtesy during the interview.

The topic of the discussion was the rejection of claim 7 under 35 U.S.C. § 102(b) over Calain and Roux, 1993, J. Virology 67(8):4822-4830 ("Calain"). In particular, Applicants' proposed claim amendments of June 12, 2006 were analyzed in view of Calain. SPE Eyler stated that she did not believe that the proposed amendment sufficiently distinguished the claimed subject matter from Calain. However, SPE Eyler and Applicants' representatives agreed that the defective interfering particles ("DI particles") of Calain were not intended to

be captured by the claim language and that the remaining task would be to unambiguously exclude the DI particles of Calain from the claim. Applicants' representatives stated that they would submit additional claim amendments to address the Examiner's concerns in view of Calain.¹

SPE Eyler further indicated that the claimed methods (see withdrawn claim 13 and U.S. Application No. 11/389,618 filed March 24, 2006, which is a divisional application of the above-identified patent application) are different from the methods employed by Calain. SPE Eyler further stated that she is confident that the rejections under 35 U.S.C. § 112 that had been applied against the composition claims would not be applicable to the method claims.

Conclusion

Applicants believe that the claim amendments submitted in the Amendment under 37 C.F.R. § 1.114 on June 30, 2006 clearly distinguish the claimed compositions from Calain.

Respectfully submitted,

by *Jacqueline Benn*
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Date August 8, 2006

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¹ Please note that, in the meantime, Applicants submitted an Amendment under 37 C.F.R. § 1.114 on June 30, 2006.